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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,873

12/08/2003

Paul McGlynn

00324/US1

1167

24330 7590 12/21/2006
Martin A. Hay
13 Queen Victoria Street
Macclesfield Cheshire UK, SK11 6LP
UNITED KINGDOM

EXAMINER

PUTTLITZ, KARL J

ART UNIT

PAPER NUMBER

1621

MAIL DATE

DELIVERY MODE

12/21/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<u>Examiner-Initiated Interview Summary</u>	Application No. 10/728,873	Applicant(s) MCGLYNN ET AL.	
	Examiner Karl J. Puttlitz	Art Unit 1621	

All Participants:

(1) Karl J. Puttlitz.

(2) Martin Hay.

Date of Interview: 12 December 2006

Type of Interview:

☐ Telephonic
☐ Video Conference
☒ Personal (Copy given to: ☐ Applicant ☒ Applicant's representative)

Exhibit Shown or Demonstrated: ☒ Yes ☐ No
 If Yes, provide a brief description: *metered does inhaler.*

Status of Application: _____

(3) Robert Barker.

(4) _____

Time: _____

Part I.

Rejection(s) discussed:
Rejections under sections 103 and 112, first paragraph

Claims discussed:
all

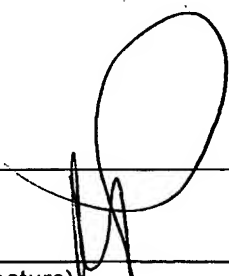
Prior art documents discussed:
Keller et al.

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



 (Examiner/SPE Signature)

 (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's representative argued that the hydrochloride salt is unsuitable for delivery using a metered dose inhaler. In this regard, Applicants discovered that the L-tartrate salt unexpectedly provides a solution to administering levalbuterol to the lungs using a metered dose inhaler. Applicant will also consider providing arguments that the crystalline form covered in the claims is enabled in the specification.